

**New York State Department of Environmental Conservation
Regional Director, Region 3**

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Alexander B. Grannis
Commissioner

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April 17, 2008

Michael P. Anderson, P.E.
Project Director, Tappan Zee Bridge/I-287 Corridor Project
NYS Department of Transportation
60 White Plains Road, Suite 340
Tarrytown, New York 10591

Re: Tappan Zee Bridge/I-287 Environmental Review
DEC Pre-Application No. 3-9903-00067/00001
Rockland and Westchester Counties

Dear Mr. Anderson:

The Department of Environmental Conservation (DEC) appreciates the opportunity to comment on the draft scope for the environmental review of the Tappan Zee Bridge/I-287 Corridor project. The DEC thanks the Department of Transportation (DOT) for taking a leadership role with regard to this effort. And DEC recognizes the need to address structural issues with the bridge and develop a true multimodal plan for the corridor.

Thank you for providing DEC as an involved agency additional time to provide these written comments regarding the draft scope. As discussed when DEC and DOT met in March of 2008, including one meeting with the Thruway Authority and Metro-North Railroad, we expected to meet in April of this year to further discuss and clarify how DEC can help as an "involved agency." We understand that we will meet April 23rd to review some of these issues and hope submitting this now will advance that discussion. It is further understood that DEC and DOT attorneys will meet early in May to review legal processes.

Scoping Comments

DEC understands that the environmental review will meet the requirements of both the National Environmental Policy Act (NEPA) and New York's State Environmental Quality Review Act (SEQRA). We are prepared to assist, as an involved agency, as may be appropriate with regard to making sure the review and decision making process fully meets the needs of both NEPA and SEQRA, and other relevant statutes.

Our communication with the lead and other involved agencies is especially important with regard to developing an understanding of and avoiding, minimizing and as appropriate mitigating potential

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significant negative cumulative and growth inducing environmental impacts associated with an increase in the corridor's capacity to move people and goods.

The Tappan Zee Bridge is a legacy project and presents a significant opportunity to study and potentially advance a variety of multimodal, alternative, green, "smart growth" transportation systems that will be more environmentally friendly. As such it is possible for improvement alternatives to provide for some baseline growth in the capacity of the corridor to support the transportation of increased numbers of people while not expanding the ability of the system to support any additional single occupant vehicle trips. The project can potentially help facilitate regional smart growth.

The environmental review process and scope are described in the February 2008 draft, including the January 2006 Bridge and Corridor Environmental Review/Alternatives Analysis and the Council on Environmental Quality (CEQ) publication "Considering Cumulative Effects under the NEPA." Both are included by reference and appear to adequately provide a context for the identification and analysis of site specific issues in the Hudson River Estuary and within the 30 mile corridor. This "hard look" is not only required but necessary to address environmental impacts. These issues include potential impacts on fisheries (sturgeon, striped bass, etc.), submerged aquatic vegetation beds (SAVs), wetlands, and surface waters.

The analysis, however, must also address other significant environmental issues. Application of this same level of analysis and review to issues of cumulative and growth inducing impacts, especially beyond the 30 mile corridor to the west, is recommended to ensure the right level of attention to potential cumulative and growth inducing impacts. The DEC recommends that before the scope be accepted as complete or final it be amended as necessary to clarify that the Draft Environmental Impact Statement (DEIS) will include an analysis of significant secondary and cumulative impacts that includes the following:

1. Secondary (Indirect) Impact Assessment:

- a. *Geographical Scope:* The delineation of a specific larger geographic area, as recommended by CEQ, for consideration of potential regional and growth inducing impacts is needed. An analysis of secondary, growth inducing impacts over a larger geographic area than just the 30 mile corridor identified for the review. It might be appropriate that this larger area is the multi-county area referenced in the 2006 Alternatives Analysis. The scope should define this area of potential secondary impacts and it should include at a minimum Orange County.
- b. *Reasonably Foreseeable Actions:* An analysis of current development potential, county priority economic growth areas, and reasonably foreseeable actions should be more specifically identified and defined. In our view, such actions should include at least the following:
 - i. NYS Route 17/I-86 Upgrade;
 - ii. Stewart Airport Expansion;
 - iii. Approved Concord Hotel Resort and Entertainment Complex;
- c. *Significant Resources:* The DEIS should also more specifically identify and define the environmental resources that may be particularly vulnerable to the potential secondary impacts of the proposed alternatives. We believe these should include, at a minimum the following:
 - i. Wetlands (State wetland maps should be updated to protect all wetlands)
 - ii. Floodplains (floodplain maps need to be updated to protect floodplains)

- iii. Significant natural areas, endangered species and critical habitat to protect and buffer these areas, systems and populations, and provide for "migration" opportunities and an ability to adapt to the impacts of Climate Change.
 - iv. Groundwater resources
 - v. Wastewater Treatment Infrastructure
2. Cumulative Impact Assessment:
- a. *Historical Assessment:* An analysis of the history of growth and land use impacts associated with the Tappan Zee Bridge is needed (before and after the 1950s) to quantify the impacts of the initial increase in this corridor's capacity to transport people and goods associated with the construction of the bridge.
 - b. *Temporal Scope:* The DEIS scope should more specifically identify the time frame that will be used to assess the potential cumulative effects of the proposed alternatives. This should extend for an adequate period beyond any reasonably foreseeable secondary impacts (see above), which may be on the order of several decades after construction of the project.
3. Identification of Mitigation Measures: To address the potential secondary and cumulative impacts identified, an application of land use implications and impacts along with other environmental screening criteria is needed to identify potential mitigation measures for the proposed alternatives. In the 2006 Alternatives Analysis Report (Table 3-8) Land Use is to include "consistency with existing land uses" plus "consistency with adopted land use plans and policies", and "potential to provide for 'smart growth' opportunities." The relationships of these uses, policies, and opportunities should be discussed in the DEIS and appropriate mitigation measures developed to foster and encourage "smart growth".

DEC Jurisdiction

Based on the project information you submitted to date, the following permits appear to be required from the DEC:

- 4. A project-specific State Water Quality Certification under Section 401 of the Clean Water Act - For the deposition of fill and the construction of various structures within Waters of the U.S. that require authorization from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act.
- 5. Article 25, Tidal Wetlands - For construction work in tidal wetlands and regulated adjacent areas located in the vicinity of the Tappan Zee Bridge.
- 6. Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for the Discharge of Storm Water from Construction Activities - For the disturbance of greater than one acre of land.

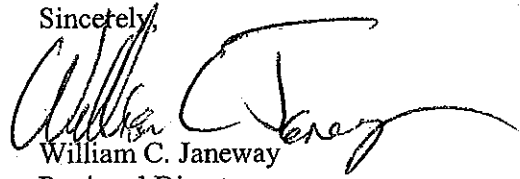
It is possible that the DEC permit requirements noted above may change based upon additional information received or as project modifications occur.

Michael P. Anderson, P.E.
Project Director, Tappan Zee Bridge/I-287 Corridor Project

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Thank you again for this opportunity to provide suggestions on the draft scope and the chance to partner with you and others on this project. We look forward to active participation as an involved agency for this important review. If you have any questions about the information I have provided, please call me at (845) 256-3033. Thank you.

Sincerely,



William C. Janeway
Regional Director

cc: M. Duke/S. Sheeley, DEC Region 3
W. Rudge, DEC Region 3
J. Isaacs, DEC Region 3
P. Ferracane, DEC Region 3
U.S. Army Corps of Engineers, New York District
U.S. Fish & Wildlife Service, Cortland